IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1018 OF 2003

IN

SUIT NO. 991 OF 2003

Surendra Y. Karnik of
M/s. Karnik and Associates .....Plffs.
vs.
1. Sudershan Milk and Agro
Products P.Ltd and anr. .....Defnds.

K.K. Shroff i/b. Bharat Shah and Co. for the plffs.

S.G. Deshpande for defendant no.2.

CORAM: S.U. KAMDAR, J.

DATE : 23rd September, 2005.

P.C. :

1. The present notice of motion is taken out for passing off action and or infringement of copy rights. The marks which are used are "Gowerdhan" by the plaintiff and which mark has been copied by the defendants as ‘Gowerdhari". Similarly the mark ‘Maruti’ is copied as ‘Maruchi’. The get up of both the marks and the packet is deceptively similar as

well as the mark is also deceptively similar. The defendants are served. Affidavit of service dated 24.2.2005 and 22.4.2005 is taken on record. N.U. khan appearing for the defendant has been given notice. S.G. Deshmukh, Advocate has also filed his vakalatnama but he states that in view of the fact that earlier advocate was appearing in the matter and he had not received any instructions from his client as far back as in 2004. There is already an ad-interim order dated 28.3.2004. In the aforesaid, notice of motion made absolute in terms of prayer clause (a) and (b). Motion disposed off accordingly.

sd/-

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